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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,035	11/17/2003	Scott David D'Souza	3457-Z	1142
76614 7590 11/17/2008 Kramer & Amado, P.C. 1725 Duke Street Suite 240 Alexandria, VA 22314			EXAMINER NOBAHAR, ABDULHAKIM	
			ART UNIT 2432	PAPER NUMBER
			MAIL DATE 11/17/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/713,035

**Applicant(s)**

D'SOUZA ET AL.

**Examiner**

ABDULHAKIM NOBAHAR

**Art Unit**

2432

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-8 is/are rejected.
- 7) ☒ Claim(s) 1-3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is in response to applicants' amendment filed on 10/03/2008.
2. Claims 1-3 and 5-8 are pending.
3. Claim 4 is canceled.
4. Claims 1-3 and 5-8 are amended.
5. Applicant's arguments with respect to the rejections of amended claims 1, 5 and 6 under 35 USC § 102 and the double patenting rejection have been fully considered and are persuasive. Therefore, the rejections have been withdrawn.

### ***Claim Objections***

**Claims 1-3, 5, 6 and 8** are objected to because of the following informalities:

Claim 1 is suggested to be amended to recite in lines 4 and 5 of the preamble "incoming INVITE messages" and "outgoing 180 Ringing messages" to make the claim clearer as described in paragraph 0019 of the specification.

Claim 2 should be amended in line 11 to recite "180 Ringing messages" to be consistent with claim 1.

Claim 3 should be amended in line 4 to recite "creating a call information table at said proxy server for determining the value of H" to be consistent with the specification.

Claim 5 should be amended in line 2 to recite "an Internet".

Claims 5 and 6 should be amended in line 4 to recite "...aggregating incoming INVITE messages and outgoing 180 Ringing messages..."

Claim 8 should be amended in line 4 to recite "table for use in tracking said INVITE messages" to be consistent with the specification.

Appropriate corrections of the above are required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 5 and 6** recite the limitations "said INVITE messages" and "said 180 Ringing messages" in line 4 of each claim. There are insufficient antecedent bases for these limitations in the claims.

***Allowable Subject Matter***

**Claims 1-3, 5 and 8** would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, 2nd paragraph and claim objections, set forth in this Office Action, because the following limitations are not taught by the closest cited prior art March et al (2003/043740):

"Claim 1: aggregating said INVITE messages and said 180 Ringing messages for all users on said Internet accessible network."

"Claims 5 and 6: means for aggregating said INVITE messages and said 180 Ringing messages fro all users on said Internet accessible network."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABDULHAKIM NOBAHAR whose telephone number is (571)272-3808. The examiner can normally be reached on M-T 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Abdulkhakim Nobahar/  
Examiner, Art Unit 2432

November 9, 2008